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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,439	09/05/2003	Diana K. Smetters	D/A3162	8476
35699 7590 04/06/2007 PARC c/o PARK, VAUGHAN & FLEM 2820 FIFTH STREET DAVIS, CA 95618-7759			EXAMINER LEMMMA, SAMSON B	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 04/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/656,439	Applicant(s) SMETTERS ET AL.	
	Examiner Samson B. Lemma	Art Unit 2132	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: 1. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____
 Claim(s) objected to: _____
 Claim(s) rejected: 1-4, 6-13, 15-22 and 24-27.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.


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Continuation of 11. does NOT place the application in condition for allowance because: Examiner asserts that all of the independent claims 1, 10 and 19 are amended. Applicant's representative added the following limitation in all the respective independent claims "wherein said preferred channel has a demonstrative identification property and an authenticity property".

Applicant's representative argued that such limitation is not disclosed by the reference on the record, namely by Hermann.

Examiner disagrees with the applicant's argument.

The limitation recited in the amended independent claims as the preferred channel has "demonstrative identification property" is defined as follows in applicant's specification, (see publication no. 20040268119, paragraph 0054, the last sentence), "The demonstrative identification property of the preferred channel means that human operators are aware of which devices are communicating with each other over the preferred channel and that the human operators can easily detect when an attack is being made on the preferred channel." Furthermore, the limitation recited in the amended independent claims as the preferred channel has "an authenticity property" is defined as follows in applicant's specification, (see publication no. 20040268119, paragraph 0055)

"The authenticity property of the preferred channel means that it is impossible or difficult for an attacker to transmit over the preferred channel or tamper with messages sent over the preferred channel without detection by the legitimate parties to the communication."

Examiner would like to point out that the reference on the record, namely Hermann discloses such concepts/limitation as shown below which meets the recitation the amended limitation.

Hermann on paragraph 0026 discloses that initiating the communication session and for transmitting an initial-sequence that may contain sensitive information, the unidirectional wireless communication channel can ensure that only the target device receives the initial-sequence. It is especially advantageous if a directed channel as line-of-sight link can be used, because than no other parties can eavesdrop and receive the initial-sequence. Such a channel can be an optical channel, e.g. an infrared or a laser channel, a Personal Area Network (PAN) channel, a directed radio-frequency (RF) channel, an inductive channel, a capacitive channel, or every other channel that is suitable for low-range, directed communication links.

Furthermore Hermann on paragraph 0029, discloses that it is very simple to set up a communication if the personal device is connected to a user, e.g. by a PAN, because the user touches then in an intuitive way the serving device for initiating the unidirectional wireless communication channel via his body. There are no additional cards or other things necessary for setting up an authenticated session. The above paragraphs such as paragraph 0026 & 0029 recited on the record implies the fact that "when attack is being made on the preferred channel it can easily detected" and meets the limitation recited as "the preferred channel has "demonstrative identification property"

Likewise, Hermann on paragraph 0030, discloses that if the response as well as the further communication over the wireless broadcast medium is protected by using a cryptosystem, than the advantage occurs, that the exchanged information is hidden perfectly and can not be uncovered by someone else. A suitable system can be a public-key cryptosystem where only the public key is exchanged once.

Furthermore, what is recited on paragraph 0026 in combination with the "authenticated session" or "protected by using a cryptosystem" disclosed on paragraph 0026 and 0029, meets the limitation that "the preferred channel has "an authenticity property"

In order to show how each and every limitation of the independent claims has been disclosed by the reference on the record. The examiner would show the following.

Examiner would point out that Hermann discloses each and every limitations of the amended independent claims as shown below.

As per independent claims 1, 10 and 19 Hermann discloses a method for facilitating secure communication between two networked devices comprising:

- Establishing communication between a situation notification device [see, paragraph 0020, "first device"] and a provisioning device [see, paragraph 0020, "second device/servicing device"] over a preferred channel [See, paragraph 0020, "communication link"]; [paragraph 0020, lines 15-21]
- wherein said preferred channel has a demonstrative identification property and an authenticity property; [0026, 0029-0030] (As shown in the argument above, what has been described in these paragraphs implies that fact that "when attack is being made on the preferred channel it can easily detected" and meets the limitation recited as "the preferred channel has "demonstrative identification property". Furthermore, what is recited on paragraph 0026 in combination with the "authenticated session" or "protected by using a cryptosystem" disclosed on paragraph 0026 and 0029, meets the limitation that "the preferred channel has "an authenticity property")
- Providing provisioning information to said situation notification device over said preferred channel; [Paragraph 0020, lines 44-48] (After receiving the sequence, the serving device responds by sending back over a wireless broadcast medium a respond. And as it is disclosed on paragraph 0020, lines 44-48 such responds may comprises, a key, also a session key and a communication parameters which meets the limitation of provisioning information from serving device to personal device/situation notification for further communication. In other words the personal device/situation notification device is provided with key, session key and a communication parameters/provisioning information)
- wherein said situation notification device is automatically configured to receive subject matter information responsive to said provisioning information; [Paragraph 0020, lines 48-49] (And the situation notification device is automatically configured to receive the encrypted information which meets the limitation of the subject matter information)
- Receiving said subject matter information; [Paragraph 0020, lines 48-49] (encrypted information)
- Verifying said subject matter information with said provisioning information; [Paragraph 0014] (Only the intended receiver/notification device receives the encrypted subject matter since it is the one that has the corresponding decryption key and the encrypted information/subject matter information with the corresponding private key/public key/session key/provisioning information are decrypted and verified that the subject matter is sent from the right provisioning device.)
- Presenting said subject matter information to a user of the situation notification device responsive to the step of verifying, wherein the step of verifying ensures that the subject matter information is genuine.. [Paragraph 0014 & abstract] (Only the intended receiver/notification device receives the encrypted subject matter since it is the one that has the corresponding decryption key. And the encrypted information/subject matter information is presented to a user of the situation notification device only and only if the situation

notification device carries the corresponding private key/public key/session key/provisioning information and successfully decrypts and verifies that the subject matter is sent from the right provisioning device, by doing so the situation notification device ensures that the subject matter information is genuine. This is simply another application of public key cryptography, explained on paragraph 0014 and secure transmission disclosed in the abstract.)

Though the application could have allowable subject matter the claims are not yet been written to overcome the ground of rejection set forth in the previous/this office action.

The applicants argument such as example, More specifically, the demonstrative identification property of the preferred channel requires that identifying a device for communication be based on a physical demonstration, for example "the printer in front of me" or "that device that I am touching" is something which is not recited in the respective independent claims.

In response to applicant's above argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As to argument made to the dependent claims, examiner would indicate the fact that dependent claims stand and fall with the corresponding independent claims.

Therefore the rejection is maintained until applicant further amend at least the independent claims and successfully overcomes the ground of rejection set forth in this office action.